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10/517,105	12/07/2004	Coen Adrianus Verschuren	NL 020468	1306

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BRIARCLIFF MANOR, NY 10510

EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/517,105

**Applicant(s)**

VERSCHUREN, COEN ADRIANUS

**Examiner**

TAN X. DINH

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,9,10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 4-6,8 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

1) This application is a 371 of PCT/IB03/02197, filed on 5/21/2002.

2) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d) or (f). The certified copy of the priority documents have been received in this National Stage Application from the International Bureau (PCT Rule 17.2(a)).

The foreign document identifies as:

EPO 02077258.8, filed on 6/10/2002.

3) The preliminary amendment filed 12/07/2004 is acknowledged.

4) The I.D.S filed 12/07/2004 and 8/05/2005 have been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

5) The drawings are objected to because:

a) every circuit blocks in figure1 must be proper labeled.

b) The drawings are further objected to under 37 CFR 1.83(a).

The drawings must show every feature of the invention specified in the claims. Therefore, the sub-mark portion and sub-space portion in opposite direction and changing the sum of first and second

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lengths ( claims 1,9 and 13 ) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

c) The drawings are objected to under 37 CFR 1.83(a) because they fail to show first and second lengths L1, L2 and their relations as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

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If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6) The disclosure is objected to because of the following informalities:

The phrase "claim 1", "claim 9", "claim 13" ( specification, page 3 ) are questionable since the claims will be amended to change the scopes, which are different with the meaning as disclosed in the specification. Appropriate correction is required.

7) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

8) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9) Claims 1-3,7,9,10 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by TANI et al ( 6,385,141 ).

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TANI et al discloses a magneto-optical recording method as claimed in claim 1, comprising the steps of:

writing a mark region by having at least one sub-mark portion of a predetermined first length magnetized in a first direction substantially perpendicular to a recording surface of recording medium and by having at least one adjacent sub-space portion of a predetermined second length magnetized in a second direction opposite to first direction ( Fig.3, mark and space 221 and 222 is opposite direction and having two different lengths );

changing the sum of predetermined first and second lengths in dependence on pattern of marks and spaces ( Fig.3, the sum of first and second lengths are changed depended from marks or spaces, long mark 225, short mark 223. see also figure 4 for changing sum of marks and spaces ).

As to claims 2 and 10, TANI et al shows the changing step is performed based on previous and following marks and spaces ( Figs.3 and 4, the change depends on previous and following marks and spaces ).

As to claim 3, TANI et al shows the length of patterns is a few hundred nanometers ( the marks and space in magneto-optical disk are few hundred nanometers ).

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As to claims 7,12 and 14, TANI et al shows magneto-optical recording medium is a domain expansion recording medium comprising a storage layer and a readout layer ( column 14, line 1 to column 15, line 7. In this case, the magneto-optical recording medium is MAMMOS and MSR types ).

Apparatus claim 9 is drawn to the apparatus corresponding to the method of using same as claimed in claim 1. Therefore, apparatus claim is rejected for the same reasons of anticipation (obviousness) as used above.

Claim 13 is drawn to the magneto-optical recording medium corresponding to the method of using same as claimed in claim 1. Therefore, magneto-optical recording medium claim 13 is rejected for the same reasons of anticipation (obviousness) as used above.

10) Claims 4-6,8 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims ( if the rejection involves with any applicable arts ), the patentable novelty must be clearly shown in view of the

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state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TAN DINH**  
**PRIMARY EXAMINER**

May 24, 2007